

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL WEST, ROMAINE CLARKE, RYON MORGAN,
and SAADALA ABOULESSAN, on behalf of
themselves and all others similarly situated,

Plaintiffs,

-v-

LASERSHIP, INC., SO SURE TRANSPORTS INC.,
RICHARD GRACE AND RICHARD LLC, and
UNKNOWN SUBCONTRACTOR COMPANIES A-Z,

Defendants.

CIVIL ACTION NO.: 21 Civ. 5382 (LTS) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephone conference (the “Conference”) held today, July 13, 2023, between Plaintiffs Daniel West (“West”) and Romaine Clarke (“Clarke,” with West, “Plaintiffs”) and Defendant Lasership, Inc. (“Lasership,” with Plaintiffs, the “Parties”), the Court orders as follows:

1. Plaintiffs’ request to exclude from the definition of “Confidential Information” in the Parties’ anticipated protective order all “[d]river pay records, working time, and driver lists . . . unless [they] contain[] PII” is DENIED. See Johnson & Johnson Consumer Cos., Inc. v. Aini, No. 02 Civ. 6624 (DLI), 2008 WL 4470160, at *1 (E.D.N.Y. Oct. 2, 2008) (noting that “no [] presumption of access applies” to “discovery documents”) (citing United States v. Amodeo, 71 F.3d 1044, 1050 (2d Cir.1995) (“Documents that play no role in the performance of Article III functions, such as those passed between the parties in discovery, lie entirely beyond the presumption’s reach, and stand on a different footing than a motion filed by a party seeking action by the court, or, indeed,

than any other document which is presented to the court to invoke its powers or affect its decisions.”) (citations and alterations omitted).

2. The parties shall promptly file their proposed protective order for the Court’s review and entry.
3. A telephone conference is scheduled for **Tuesday, August 22, 2023 at 12:00 pm** on the Court’s conference line to discuss the status of Phase I Discovery. The Parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time. If there are any discovery disputes requiring the Court’s attention, then by **August 18, 2023**, the parties shall file a joint letter, no longer than three (3) pages, outlining any such disputes.
4. The Court continues to HOLD IN ABEYANCE the deadlines to amend any pleadings, join other parties, and file motions, including Lasership’s anticipated motion for judgment on the pleadings and Plaintiffs’ anticipated motions for conditional collective and class certification (see ECF No. 72 ¶ 11).
5. The Parties shall promptly order a transcript of the Conference.

Dated: New York, New York
July 13, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge